

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DYLAN MARON

Defendant.

8:16CR90

ORDER

This matter is before the court on defendant's notice of appeal, [Filing No. 78](#), and the clerk's copy of an in forma pauperis memo, [Filing No. 79](#), and the clerk's notification of an untimely appeal, [Filing No. 80](#). Pursuant to Fed. R. App. P. 4(b), a defendant has 14 days from the date of the judgment to file a notice of appeal. The Court filed the judgment in this case on October 11, 2016. [Filing No. 76](#). In his notice of appeal, the defendant contends he filed a notice of appeal in October. [Filing No. 78](#). Fed. R. App. P. 4(b) permits this court to add 30 days to the timeline for filing an appeal, if good cause is shown. The Court has conferred with the Clerk of court's office and has determined that there is no evidence that any appeal was ever filed by the defendant in October, 2016. Further, the current filing exceeds the time limit of 14 plus 30 days as set forth in [Fed. R. App. P. 4\(b\)](#). The deadline for the extension would have been November 28, 2016. Accordingly, the court finds the defendant has not timely filed his notice of appeal.

THEREFORE, IT IS ORDERED THAT:

1. The defendant shall not be granted in forma pauperis status. [Filing No. 79](#).

2. It is further ordered that this appeal is untimely.
3. The Clerk of court shall provide the Court of Appeals a copy of this Order.

Dated this 6th day of December, 2016.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge